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Atty Dkt No. SHEL 0102 PUS

TECHNOLOGY CENTER R3700

Remarks

Reconsideration of the above-identified application in view of the present Amendment is respectfully requested.

Claims 1-32 are pending in the present application. Claims 27-31 are allowed. Claim 32 is rejected under 35 U.S.C. 103(a). Claims 1-26 are rejected under non-statutory double patenting. Claim 32 is cancelled.

Claim 1 is amended such that the phrase "stainless steel" which modifies "seamless funnel" is removed. This amendment removes an inconsistency with claims 19, 20, 21, and 22 which has not previously been appreciated. Specifically, these dependent claims recite materials other than stainless steel from which the seamless funnel may be made. Accordingly, this amendment is appropriate.

Claim 1 is further amended to remove the phrases "sufficient" and "so as to create a sufficient vacuum to prevent fuel vapors from escaping into the atmosphere" and to insert the phrase "to the motor vehicle fuel tank" after "swirl to the fuel being supplied." These amendments merely remove function language from the claim which describes what the swirl effects and are not necessary for patentability. No new matter is added by these amendments.

The rejection of claim 32 under 35 U.S.C. 103(a) is now moot since this claim is now cancelled.

The rejection of claims 1-26 under double patenting is also overcome by the Terminal Disclaimer filed herewith.

Conclusion

Applicant has made a genuine effort to respond to each of the Examiner's rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If a telephone or video conference would help expedite allowance or resolve any additional questions, such a conference is invited at the Examiner's convenience.

Applicant believes that no additional fees are required as a result of the filing of this paper. However, the Examiner is authorized to charge any additional fees or credits as a result of the filing of this paper to our Deposit Account No. 02-3978 as authorized by the original transmittal letter in this case. If a telephone or video conference would help expedite allowance or resolve any additional questions, such a conference is invited at the Examiner's convenience.

Respectfully submitted,

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Date: 11/15/2003

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Attachment

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. A filler neck for receiving a fuel supply nozzle for a motor vehicle fuel tank comprising:

a one-piece [stainless steel] seamless funnel member having a tubular body defining in off-set axial relation to each other a relatively large inlet opening adapted for attachment to a receptor for positioning the nozzle with respect to the large inlet opening and a relatively small necked down outlet opening adapted for attachment to the inlet of an elongated tubular member in communication with the fuel tank, the positioning of the nozzle in combination with the off-set axial relation inducing a [sufficient] swirl to the fuel being supplied to the motor vehicle fuel tank [so as to create a sufficient vacuum to prevent fuel vapors from escaping into the atmosphere].

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